

REMARKS

In the outstanding official action, claims 1-11 were rejected under 35 USC 103 (a) as being unpatentable over Berge et al in view of Ehrlich et al, for the reasons of record. In response, independent claims 1 and 8 have been amended to more particularly and precisely define the patentable features of the instant invention, and it is respectfully submitted that these claims, as well as the remaining claims depending therefrom, are now in condition for allowance for the reasons detailed below.

More specifically, it was suggested in the Action that Berge teaches an optical device having a two-liquid structure with an interface, but it is admitted that Berge fails to teach a means for preventing the interface from an exposure to an external electric field. To overcome this deficiency, Ehrlich is cited and applied as teaching means for preventing exposure to an external electric field. Accordingly, it was suggested to have been obvious to modify the teachings of Berge with the teachings of Ehrlich in order to shield sensitive optoelectronic devices and still allow optical communication.

In response, independent claims 1 and 8 are herewith amended in order to more particularly and precisely recite that the interface is subject to unintended deformation due to exposure to an external electric field over time, and that means are provided

for preventing the interface from this exposure to the electric field to prevent the unintended deformation.

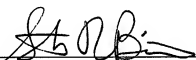
As noted in the instant specification at page 2, the present invention is based on the realization that the unintended deformation of the interface between two liquids is in fact caused by its exposure to an external electric field, such as a static field caused by the build-up of an electrostatic charge on a surface of the container. It is this recognition that has led to the present invention, wherein structure for preventing this unintended deformation is provided.

In the Action, it is recognized that Berge does not teach a means for preventing the interface from an exposure to an external electric field, even though the prior art (including Ehrlich, which antedates Berge by several years) teaches that optical detectors may generally be shielded. Since such shielding was known in the art for years, it is clear that Berge did not recognize the problem as detailed in the instant application, and accordingly found no need to provide the extra complexity of shielding since there would be no apparent reason to do so. It is only with the benefit of hindsight derived from the instant application that the need for preventing the interface from exposure to an external electric field to prevent unintended deformation becomes apparent. Absent such a realization as detailed on page 2 of the instant

specification, there is no current reason whatsoever to apply the cited references in combination as was done in the Action.

In view of the foregoing amendments and remarks, it is respectfully submitted that independent claims 1 and 8, and the remaining claims depending therefrom, are clearly patentably distinguishable over the cited and applied references. Accordingly, allowance of the instant application is respectfully submitted to be justified at the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,

By 

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